

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 8:</b> Out-of-Home Services	<b>Effective Date:</b> June 1, 2008
	<b>Section 21:</b> Special Education Services	<b>Version:</b> 1

<b>POLICY</b>	<b>OLD POLICY: 404.332</b>
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The Indiana Department of Child Services (DCS) will ensure that that a plan is developed to address any identified educational needs of all children in out-of-home care at the initial Child and Family Team (CFT) meeting or at the Case Plan Conference.

DCS will work with the Department of Education to ensure that all children in out-of-home care receive educational services to meet their individual needs.

1. DCS will ensure that all children that have identified special education needs and have a developed Individualized Education Plan (IEP) on file are receiving the services outlined in the IEP.
2. DCS will ensure that all children who have not been identified as requiring special education services, but display signs that a disability may exist are referred for appropriate testing.

#### Code References

1. [IIC 20-18-2-9: Individualized Education Program](#)
2. [IC 20-35-1-4: Division](#)
3. [IC 20-35-6: General Provisions](#)

<b>PROCEDURE</b>
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The Family Case Manager (FCM) will:

1. Assist the child's parent/guardian/custodian in requesting the child's school complete an initial educational evaluation to determine if any disability exists, and if the child is in need of special education and/or related services and the development of an IEP.
2. Request that a surrogate parent be appointed for a child in out-of-home care if:
  - a. The child's parent/guardian/custodian is not available to represent the child; or
  - b. The CFT determines that a surrogate parent would be better able to represent the child. See separate policy, [5.7 Family Team Meetings](#).

**Note:** Employees of DCS are prohibited from serving as a surrogate parent for any child involved in an open DCS case.

3. Encourage the child's parent/guardian/custodian to invite the surrogate parent if applicable to participate as a member of the CFT. See separate policy, [5.7 Family Team Meetings](#).
4. Attend the child's Individualized Education Planning (IEP) conference and provide relevant input.

- a. The FCM or Supervisor may sign a child's Individual Education Plan (IEP) if the child's parent/guardian/custodian is unwilling or unable to sign or if no surrogate parent has been assigned to the child.
- b. The FCM must obtain a copy of the finalized IEP for the child's case file.
- c. Encourage the child's parent/guardian/custodian or surrogate parent to work with the schools to coordinate the development of a transition plan for the child when deemed necessary at appropriate times in their education development.
- d. Encourage the child's parent/guardian/custodian and resource family to attend all educational meetings and reviews.

<b>PRACTICE GUIDANCE</b>
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N/A

<b>FORMS AND TOOLS</b>
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N/A

<b>RELATED INFORMATION</b>
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### **What is a Surrogate Parent?**

A surrogate parent is a specially appointed advocate, who is at least 21 years of age and has been trained to assume the responsibility of representing the child in the special education decision-making process. The surrogate parent may be a foster parent or a volunteer (*The foster parent of the child may become the Surrogate Parent if they have completed the required training*). The administrator of the special education program for the school district in which the child attends school is responsible for assigning the surrogate parent. Additional information on surrogate parents and special education services in general can be obtained from the local school corporation or from the Indiana Department of Education.

### **When to Request a Surrogate Parent**

Every child in the care and custody of DCS is eligible to have a surrogate parent appointed. A surrogate parent should be requested if the child's parent/guardian/custodian is unavailable to represent the child or if he/she refuses to sign the child's IEP. Additionally, if the CFT is concerned about the ability of the parent/guardian/custodian to understand the child's needs and/or advocate for the child, a surrogate parent should be requested.

### **Individuals with Disabilities Education Act (IDEA)**

IDEA guarantees that persons ages 3-22 with disabilities receive appropriate public education through the development and implementation of an individualized education program (IEP). The IEP is designed to meet the assessed educational needs of each student. It assures that testing and evaluation materials, procedures, and interpretation of results are not biased, and that each student with disabilities will be educated within the least restrictive environment appropriate to meet the student's needs.

**Evaluation Process**

In order for a child to be eligible for special education and related services, the child must first be determined to have a disability. Parents, teachers, or other school officials who suspect that the child may have a disability would request that the child be evaluated by a multi-disciplinary team to determine if the child has a disability and needs special education or related services as a result of the disability. Generally speaking, IDEA requires that a child be evaluated within 60 days once the parent has given consent for the evaluation. Exceptions to the timeline exist if the child moves from one district or state to another district or state after the evaluation was requested or if the parent refuses to make the child available for the evaluation. Under those circumstances, districts are required to make sufficient progress to ensure that a timely evaluation is conducted.